



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Biotechnology
Regulatory
Services

4700 River Road
Riverdale, MD
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Dr. Fredy Altpeter
3062 McCarty Hall
PO Box 0110300
University of Florida
Gainesville, FL 32611

Re: Confirmation of the regulatory status of "Quality forage bahiagrass"

Dear Dr. Altpeter:

Thank you for your letter dated October 19, 2016 inquiring whether your "Quality forage bahiagrass" (*Paspalum notatum* Fluegge var. *notatum*) is a regulated article under 7 CFR part 340. Your letter describes "Quality forage bahiagrass" as having reduced lignin, which improves digestibility and weight gain in grazing cattle.

The Plant Protection Act (PPA) of 2000 gives USDA the authority to oversee the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds to protect the agriculture, environment, and economy of the United States. The APHIS mission is to protect the health and value of American agriculture and natural resources.

APHIS regulates the importation, interstate movement, and environmental release (field testing) of certain genetically engineered (GE) organisms that are, or have the potential to be, plant pests. Regulations for GE organisms that are or have the potential to be plant pests, under the PPA, are codified at 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests." Under the provisions of these regulations, a GE organism is deemed a regulated article if it has been genetically engineered using a donor organism, recipient organism, or vector or vector agent that is listed in §340.2 and meets the definition of a plant pest, or that is an unclassified organism and/or an organism whose classification is unknown, or if the Administrator determines that the GE organism is a plant pest or has reason to believe it is a plant pest.

In your October 19, 2016 letter, you describe "Quality forage bahiagrass" with reduced lignin conferred by RNAi-mediated silencing of the native bahiagrass caffeic acid O-methyltransferase gene. The introduced coding and non-coding genetic sequences are derived from *Sorghum bicolor*, *P. notatum*, and *Escherichia coli*. The introduced genetic sequences do not contain any plant pest sequences, nor were the sequences introduced into the parent bahiagrass with a plant pest vector.

APHIS has reviewed the information in your October 19, 2016 letter and has determined that bahiagrass itself is not a plant pest. Additionally, APHIS agrees that "Quality forage bahiagrass" as described in your letter does not contain any introduced genetic material from

plant pests and no plant pests were used in its development. APHIS also has no reason to believe "Quality forage bahiagrass" is a plant pest. Therefore, consistent with previous responses to similar letters of inquiry, APHIS does not consider the "Quality forage bahiagrass" described in your October 19, 2016 letter to be regulated pursuant to 7 CFR part 340.

APHIS is also authorized to protect American agriculture from damage caused by noxious weeds. If APHIS determines that a plant poses a noxious weed risk, APHIS would consider regulating the plant under the noxious weed regulation, 7 CFR part 360. APHIS has the option to regulate plants under 7 CFR part 360 regardless of whether or not they meet the definition of regulated article under 7 CFR part 340. After reviewing the relevant literature, APHIS has concluded that bahiagrass may function as a weed in certain environments. However, APHIS has determined that *P. notatum* is not currently listed as a Federal Noxious Weed or listed in any state as a noxious weed. APHIS also has no reason to believe that the reduced lignin phenotype will increase its weediness or invasiveness.

Please be advised that the importation of this GE bahiagrass, like all other bahiagrass, will be subject to APHIS Plant Protection and Quarantine (PPQ), permit and/or quarantine requirements. For further information on importation of bahiagrass, you may contact Shailaja Rabindran at 301-851-2167 or contact the PPQ general number for such inquiries at (877) 770-5990.

Please be advised that this GE bahiagrass may still be subject to other regulatory authorities such as FDA or EPA.

Furthermore, should you become aware at any time of any issues or additional information that may affect the Agency's conclusion regarding this inquiry; you must immediately notify the Agency in writing of the nature of the issue. We hope you appreciate our commitment to plant health and support for the responsible stewardship for the introduction of GE plants.

Sincerely,



Michael J. Firko, Ph.D.
APHIS Deputy Administrator
Biotechnology Regulatory Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

16 Feb 2017

Date